

REMARKS

The application has been amended. Claims 1-9 and 19-22 have been canceled. Claim 10 has been amended. Reconsideration of the application is respectfully requested.

During prosecution of the patent application, claim 10 has been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,741,429 to Donadio,III et al. (hereinafter "Donadio").

An appeal of this rejection was taken to the Board of Patent Appeals and Interferences. In a Decision on Appeal dated March 20, 2003, the Board sustained the Examiner's final rejection of claim 10 as being anticipated. In rendering its Decision, the Board stated in part:

[W]e are of the view that the lumen of the catheter member (20) in Donadio is of sufficient internal diameter so as to accommodate a first guidewire of a size larger than the size of the guidewire (95) accommodated by the dilator/adaptor (93), and that this is all that the language of appellants' claim 10 on appeal requires, because the first and second guidewires are not recited as positive elements of the claimed system. At page 5.

Further, the Board stated:

[W]e consider that Donadio clearly discloses a catheter member (20) having a lumen which is capable of accommodating a first guidewire having an external diameter of a given size and also guidewires of different diameters, wherein the guidewire diameters may fall within a range slightly smaller than the outer diameter of adaptor (93) to just larger than the outer diameter of the guidewire (95). (Emphasis original). At page 6.

In view of the Board's Decision, claim 10 has been amended to more fully define the catheter system of the present invention. As amended claim 10, now defines a catheter system including a first guidewire having one of two different diameters. The catheter system further includes a catheter defining a lumen of an internal diameter substantially equal to the external diameter of the larger guidewire for accommodating the larger guidewire therein. An adapter is selectively positionable within the lumen of the catheter. The adapter includes an external diameter substantially equal to the internal diameter of the catheter lumen and has an internal lumen diameter substantially equal to the external diameter of the guidewire of the smaller diameter. Thus, the guidewire is recited as a positive element of the claimed invention. Furthermore, the relationship between guidewire and the catheter lumen and the adapter lumen is recited with specificity.

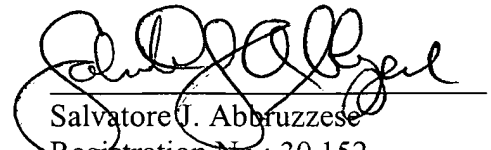
As noted previously, Donadio fails in any respect to show a guidewire of two different diameters. Moreover, Donadio fails to disclose specifically a catheter receiving a guidewire without use of an adapter. Lacking specific elements set forth in the claims, Donadio as a matter of law cannot be anticipatory thereof.

It is respectfully submitted that claim 10 as well as claims 11-18 which depend therefrom are patentably distinct over the Donadio reference. The application is believed to be in condition for favorable examination.

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Should the Examiner have any questions regarding this response, the undersigned would be pleased to address them by telephone.

Respectfully submitted,



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